

Serial No. 10/634,391
Atty. Doc. No. 2003P11518US

REMARKS

Applicant gratefully appreciates the Examiner's notation of allowable subject matter. Applicant has amended claims 1, 5 and 20, and redesignated the second claim 18 as claim 19. Thus, claims 1-23 are pending in the application and presented for examination. Applicant respectfully requests allowance of the present application in view of the following remarks:

Response to Objections to the Claims:

The Examiner objected to claims because there are two claims 18. Applicant has correction this typographical error by redesignating the second claim 18 as claim 19. Therefore, withdrawal of the objection to the claims is respectfully requested.

Response to Rejections under Section 112:

The Examiner rejected claims 20, 21 and 23 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended claims 20, 21 and 23 to recite that the spheroid "is" (rather than "may be") partially deformed, as suggested by the Examiner. Therefore, withdrawal of the rejection is respectfully requested.

Request For Allowance of Claim 5 and Claims 20, 21 and 23:

The Examiner indicated that claim 5 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Claim 5 has been rewritten in such a manner. In view of the amendment to claim 5, Applicant respectfully submits that claim 5 is in condition for allowance.

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The Examiner also indicated that claim 20 would be allowable if rewritten to overcome the Section 112 rejection. Claim 20 has been rewritten in such a manner. In view of the revision to claim 20, as well as claims 21 and 23 which depend from claim 20, Applicant respectfully submits that claims 20, 21 and 23 are in condition for allowance.

Response To Rejections Under Section 102:

Claims 1-4, 11, 13 and 16-17 stand rejected under 35 U.S.C. § 102(b), the Examiner contending that these claims are anticipated by Park (USPN 5,185,297).

Applicant has amended claim 1 to recite that the partially filled shapes have a contiguous three dimensional boundary wall that completely surrounds the shapes. In contrast, Park discloses a metal sponge 1 having ligaments 2 that interconnect to form a three dimensional reticulated structure having open cells 3. Col. 8 lines 3-11. Park is directed to a process that converts the metal material to a ceramic material (see e.g. col. 6 lines 3-29, col. 7 lines 33-64) having the final three dimensional open cell ceramic structure. Park explains that the metal-to-ceramic conversion process may not fully complete, thereby leaving a metal core 8 to partially fill the open cells. Col. 8 lines 21-26.

Therefore, Applicant respectfully requests that the Examiner withdraw the Section 102 rejection.

Serial No. 10/634,391**Atty. Doc. No. 2003P11518US****Response to rejections under Section 103:**

Claims 18 stands rejected under 35 U.S.C. § 103, the Examiner contending that these claims are anticipated by Park in view of what one of ordinary skill in the art would know. The cited reference, however does not disclose or suggest partially filled shapes having a continuous three dimensional exterior wall that completely surrounds the shapes disposed in a binding matrix.

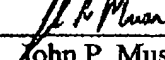
Therefore, Applicant respectfully requests that the Examiner withdraw the Section 103 rejection.

Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicant respectfully requests that the Examiner reconsider the rejections and timely pass the application to allowance.

Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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